

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEVIN VODAK, et al., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

CITY OF CHICAGO, et al.,

Defendants.

Case No. 03 C 2463

Judge Virginia M. Kendall

Magistrate Judge Nan Nolan

**PLAINTIFFS' MOTION FOR APPROVAL OF PROPOSED CLASS ACTION
SETTLEMENT OF ATTORNEYS' FEES AND COSTS**

Class Representative Plaintiffs Kevin Vodak, Sarah Bergstrand, Prudence Browne, Robert Castillo, John Patrick Donnell, Matthew Gaines, Angela Garcia, Kathleen Gruber, Steven Hudosh, Elizabeth Johnson and Sophia Sieczkowski, by counsel, on behalf of themselves and the Class and Subclasses the represent, respectfully petition this Court for approval of the payment to Class Counsel of their fees and costs in the amount of Four Million, Eight Hundred Thousand Dollars (\$4,800,000.00), to be paid by the City of Chicago. In support, the Plaintiffs state:

1. This petition is being filed pursuant to the parties' settlement discussions with the Honorable Wayne Andersen ("Judge Andersen"), formerly of the United States District Court for the Northern District of Illinois, in the course of which Plaintiffs and Defendants agreed to settle the Class' claims for a total amount of Six Million, Two Hundred Thousand Dollars (\$6,200,000.00) to be paid to the Class, plus additional attorneys' fees to be paid to Class Counsel, in an amount to be determined. Doc. No. 696.

2. On June 28, 2012, this Court preliminarily approved the settlement of this class action on the terms agreed to by the parties. Doc. No. 700.

3. Pursuant to the approval of the Class action settlement, the Plaintiff Class is a

“prevailing party,” as the term is used in 42 U.S.C. § 1988, and is entitled to an award of reasonable attorneys’ fees and costs for the work on this litigation, in addition to the recovery to the Class.

4. After the parties reached the settlement of the Class claims, Plaintiffs’ Counsel submitted to the City a demand to settle their attorneys’ fees for \$5,830,041, based on the hours expended by seven lawyers and one legal worker pursuing this litigation over the last nine years. Plaintiffs’ counsel provided to the City their complete time sheets as well as materials substantiating the hourly rate on which the demand was based. The hours expended by each are provided below:¹

Attorneys/Paralegal	Number of Hours
James Fennerty	2,456.00
Sarah Gelsomino (as a paralegal)	82.75
Sarah Gelsomino (as an attorney)	439.25
Janine Hoft	2,305.00
Rob Ludeman	77.80
Joey Mogul	3,487.25
Melinda Power	2,124.99
John Stainthorp	1,017.60
Brad Thomson (paralegal)	966.25
Total Hours:	12,956.89

5. In addition, Class counsel requested \$108,456.66 for costs incurred in the litigation.

¹ Class counsel is willing to supplement the record with these materials if the Court so desires.

6. The hours expended by Class counsel, as well as the costs incurred, were reasonable, necessary and commensurate with the time and costs expended by counsel for the City, including outside counsel hired by the City of Chicago, Freeborn and Peters and Johnson and Bell, as well as in-house Corporation Counsel.

7. Counsel for the City and Judge Andersen had the opportunity to review Class Counsel's hours and their suggested hourly rates.

8. After negotiations between the parties, and based on Judge Andersen's recommendation, the parties agreed to settle Class Counsel's request for attorneys' fees and costs for a total of \$4,800,000.00 with the agreement that this amount would be paid over two years.

9. Pursuant to the agreement between the parties, Class Counsel have agreed not to additionally petition for the numerous hours they expended in negotiating and effectuating the Class claims settlement agreement; working with the Claims Administrator and Defendants' Counsel to administer the claims process; reviewing and evaluating claims from unknown Class claimants; communication and outreach to Class claimants regarding the claims process;² and the time spent negotiating the settlement with the City of Chicago with respect to Class Counsel's attorneys' fees and costs.

² As a result, *inter alia*, of Class counsel's efforts the participation rate of Class members is over 90% for Subclass A-3, 80% for Subclass A-2, and over 80% for Subclass A-1.

WHEREFORE, the Class respectfully requests that this Court award Class Counsel reasonable attorneys' fees and costs from the City of Chicago in the amount of \$4,800,000.00 with half to be paid on January 7, 2013 and the other half to be paid on January 7, 2014.

Respectfully submitted,

Dated: November 2, 2012

/s/ Joey L. Mogul

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